

Maxims of Equity

A legal maxim is an established principle or proposition of law, and a species of aphorism and general maxim. The word is apparently a variant of the Latin maxima, but this latter word is not found in extant texts of Roman law with any denotation exactly analogous to that of a legal maxim in the Medieval or modern definition, but the treatises of many of the Roman jurists on regular definitiones and sententiae iuris are to some degree collections of maxims.

Role of Maxims

Maxims of equity are not a rigid set of rules, but are, rather, general principles which can be deviated from in specific cases. Snell's Equity, an English treatise, takes the view that the "Maxims do not cover the whole ground, and moreover they overlap, one maxim contains by implication what belongs to another. Indeed it would not be difficult to reduce all under two: 'Equity will not suffer a wrong to be without a remedy' and 'Equity acts on the person'".

List of Maxims

- 1 Equity sees that as done what ought to be done
- 2 Equity will not suffer a wrong to be without a remedy
- 3 Equity delights in equality
- 4 One who seeks equity must do equity
- 5 Equity aids the vigilant, not those who slumber on their rights
- 6 Equity imputes an intent to fulfill an obligation
- 7 Equity acts in personam or persons
- 8 Equity abhors a forfeiture
- 9 Equity does not require an idle gesture
- 10 He who comes into equity must come with clean hands
- 11 Equity delights to do justice and not by halves
- 12 Equity will take jurisdiction to avoid a multiplicity of suits
- 13 Equity follows the law
- 14 Equity will not aid a volunteer
- 15 Where equities are equal, the law will prevail
- 16 Between equal equities the first in order of time shall prevail
- 17 Equity will not complete an imperfect gift
- 18 Equity will not allow a statute to be used as a cloak for fraud
- 19 Equity will not allow a trust to fail for want of a trustee
- 20 Equity regards the beneficiary as the true owner